

BAY COUNTY BOARD OF COMMISSIONERS

JANUARY 12, 2016

THE BAY COUNTY BOARD OF COMMISSIONERS MET FOR A REGULAR SESSION ON TUESDAY, JANUARY 12, 2016, IN THE FOURTH FLOOR COMMISSION CHAMBERS OF THE BAY COUNTY BUILDING. THE MEETING WAS CALLED TO ORDER BY CHAIRMAN ERNIE KRYGIER AT 4:02 P.M. WITH THE FOLLOWING MEMBERS AND GUESTS PRESENT.

ROLL CALL: COMMISSIONERS MICHAEL DURANCZYK, VAUGHN BEGICK, KIM COONAN, THOMAS HEREK, DONALD J. TILLEY, MICHAEL LUTZ AND CHAIRMAN ERNIE KRYGIER

OTHER MEMBERS: CYNTHIA A. LUCZAK, BAY COUNTY CLERK
DIANE YAWORSKI, SECRETARY TO THE COUNTY CLERK
ROBERT J. REDMOND, FINANCIAL ANALYST
DEANNE C. BERGER, BOARD COORDINATOR

ALSO PRESENT: THOMAS L. HICKNER, COUNTY EXECUTIVE
TIFFANY JERRY, PERSONNEL AND EMPLOYEE RELATIONS DIRECTOR
DEBRA RUSSELL, ADMINISTRATIVE SERVICES DIRECTOR
CRYSTAL HEBERT, FINANCE OFFICER
AMBER DAVIS-JOHNSON, CORPORATION COUNSEL
CRISTEN GIGNAC, RECREATION & FACILITIES DIRECTOR
VARIOUS ELECTED OFFICIALS
VARIOUS DEPARTMENT HEADS
NEWS MEDIA
THOMAS A. BAIRD, BAY COUNTY RESIDENT
DAVE ROGERS, BAY COUNTY RESIDENT
MIKE BRISTOW, BAY COUNTY RESIDENT
HAROLD BEAUCHAMP, BAY 3 TV

INVOCATION: THE INVOCATION WAS GIVEN BY THE BAY COUNTY CLERK, CYNTHIA A. LUCZAK.

PLEDGE OF ALLEGIANCE:

MINUTES

MOTION 9: COMM. TILLEY MOVED TO APPROVE THE REGULAR BOARD SESSION MINUTES OF DECEMBER 8, 2015; SPECIAL SESSION ON DECEMBER 15, 2015; AND AN ORGANIZATIONAL MEETING ON JANUARY 4, 2016 AS PRESENTED. IT WAS SUPPORTED BY COMM. DURANCZYK AND PASSED BY A VOICE VOTE OF: 7 YEAS, 0 NAYS.

CITIZENS INPUT

- T. BAIRD:** THOMAS A. BAIRD, BAY COUNTY RESIDENT, BROUGHT UP HIS CONCERNS REGARDING THE PANHANDLING PROBLEM WE HAVE BEEN HAVING IN BAY COUNTY AND HAS MET WITH COUNTY EXECUTIVE HICKNER AND COMM. TILLEY ON JANUARY 11, 2016. PER THE MEETING HE UNDERSTANDS THAT IT WAS ADDRESSED AT THE TOWNSHIP LEVEL. HIS CONCERN CENTERS ON THE ONGOING ISSUES OF SOME OF THE PANHANDLERS BEING IN THE SAME SPOT FOR OVER 10 MONTHS. HE IS ALSO CONCERNED THAT IT IS GIVING THE WRONG IMAGE OF BAY CITY, BANGOR TOWNSHIP AND BAY COUNTY. MANY OF THE PANHANDLERS HAVE MENTAL HEALTH ISSUES AND SUBSTANCE ABUSE ISSUES. MANY HAVE BEEN OFFERED HELP AND THEY HAVE REFUSED. SOME CLAIM THIS IS THEIR JOB. THEY NEGATIVELY REACT WITH PEOPLE THAT THEY APPROACH IN CARS. HOLD UP TRAFFIC AND CREATE UNSAFE SITUATIONS BY WALKING IN THE ROADWAYS. THEY REFUSE FOOD AND HAVE TOLD GOOD SAMARITANS THAT THEY ONLY WANT CASH. THEY ALSO LEAVE BEHIND LITTER IN THEIR LOCATIONS AND DESTROY OUT LAWN AREAS.
- COMM. KRYGIER:** COMMISSIONER KRYGIER RESPONDED THE COUNTY WILL GET A RESPONSE FROM OUR ATTORNEY, TO MAKE US AWARE WHERE THE COUNTY IS AND WHAT WE CAN AND CANNOT DO.
- ATTORNEY AMBER DAVIS-JOHNSON:** THIS IS AN ISSUE THAT THE COUNTY HAS LOOKED INTO. ONE OF THE MAIN ISSUES IS THAT THE COUNTY DOES NOT HAVE JURISDICTION, TO PASS AN ORDINANCE THAT AFFECTS ALL OF THE TOWNSHIPS, VILLAGES AND CITIES WITHIN OUR BOARDER. EACH OF THOSE MUNICIPALITIES HAS THE RIGHT TO PASS THEIR OWN ORDINANCES TO DEAL WITH PANHANDLING. FOR THE COUNTY TO PASS A COUNTY WIDE ORDINANCE FOR PANHANDLING, WOULD BE DETERMINED TO BE UNENFORCEABLE AS A MATTER OF LAW IS OUTSIDE OF THE COUNTIES POWER. THE BEST METHOD FOR THIS BOARD TO DEAL WITH THE ISSUE WAS TO STRONGLY ENCOURAGE ALL OF THOSE MUNICIPALITIES WITHIN OUR BOARDERS TO CONSULT WITH THEIR OWN LEGAL COUNSEL TO DETERMINE IF THOSE SPECIFIC ORDINANCES WITH RESTRICTIONS THEY WANT WOULD BE ENFORCEABLE.
- COMM. TILLEY:** WE ARE BRINGING FORTH SUCH A RESOLUTION TODAY, TO ENCOURAGE THE LOCAL MUNICIPALITIES TO CONSULT THEIR ATTORNEYS AND POTENTIALLY, ADOPT AN ORDINANCE THAT FITS THEIR LOCAL NEEDS.

COMM. HEREK: COMMISSIONER HEREK THANKED THOMAS BAIRD FOR COMMENTS CONCERNING THAT THE PANHANDLERS CREATES A BAD IMAGE OF BAY COUNTY.

COMM. COONAN: WE HAVE IDENTIFIED THE PROBLEM BUT NOT ANY SOLUTIONS. BAY CITY ADOPTED A RESOLUTION AND IT PUSHED THEM OUT TO BANGOR, ULTIMATELY HOW ARE YOU GOING TO ENFORCE THIS? WE NEED TO HAVE A PLAN, SOME OF THESE PEOPLE REALLY DO NEED HELP. IF WE DON'T HAVE A SOLUTION OR A PLAN, THEN WE ARE JUST CREATING ANOTHER LAW THAT CAN'T BE ENFORCED AND THESE PEOPLE ARE NOT GETTING ANY HELP. I'M UNCOMFORTABLE WITH SUPPORTING SOMETHING THAT REALLY IDENTIFIES A PROBLEM BUT DOES NOT HAVE ANY SOLUTIONS.

COMM. BEGICK: MONITOR TOWNSHIP REMAINS IN MY DISTRICT AND I'VE DISCUSSED WITH MY TOWNSHIP OFFICIALS A COUPLE OF TIMES ALREADY, THEY HAVE BEEN WAITING FOR A CITY ORDINANCE. I HAVE RECEIVED CALLS ABOUT AGGRESSIVE BEHAVIOR AND CALLS ABOUT VETS. BEING A VETERAN, WE HAVE VETERANS SERVICES AVAILABLE AND IT'S HARD FOR ME TO SEE SOMEBODY OUT THERE IF THEY REALLY ARE VETERANS. WE HAVE PLACES FOR THEM TO GO AND WE HAVE TREATMENTS FOR THEM.

COMM. TILLY: JUST TO DOUBLE BACK ON WHAT COMM. COONAN SAID, THOSE OUT THERE THAT ARE IN NEED AND COULD USE HELP WON'T BE IMPACTED JUST BY OUR RECOMMENDATION FOR LOCALS TO ADOPT AN ORDINANCE. THERE IS A DEEPER ISSUE HERE, WHAT THE LOCALS ARE DOING WILL ADDRESS MUCH OF THE PANHANDLING ISSUE. THERE ARE A FEW OUT THERE THAT IT IS OBVIOUS THAT THEY REALLY ARE HOMELESS AND THEY REALLY ARE IN NEED. A LOT OF THE OTHER ONES OUT THERE ARE DOING IT FOR OTHER REASONS, WHETHER IT BE FOR CASH, OR DRUGS, OR THAT SOMEONE IS PAYING THEM TO STAND OUT THERE AND COLLECT MONEY THEN GET A PORTION OF THOSE FUNDS THAT ARE COLLECTED, IT'S KIND OF LIKE A JOB FOR THEM. WE ARE NEVER GOING TO SOLVE HOMELESSNESS. I AGREE WITH COMM. COONAN, WE SHOULD HAVE A PLAN. A PART OF THIS GOES BACK TO THIS PROBLEM, WHEN THEY STARTED CUTTING COMMUNITY MENTAL HEALTH AND THE DEPARTMENT OF HUMAN SERVICE FUNDING IN THE STATE OF MICHIGAN.

COMM. LUTZ: WE NEED A PLAN, BECAUSE IT'S NOT JUST THE PEOPLE ON THE CORNERS THAT WE HAVE TO DEAL WITH, ALSO THE SITUATION

THAT THEY FIND THEMSELVES IN, BE IT HOMELESS OR THEY HAVE MENTAL HEALTH ISSUES OR WHATEVER. WE NEED TO HELP AS MUCH AS WE CAN AND DEVELOP A PLAN.

EXECUTIVE
TOM HICKNER:

JUST A COUPLE OF COMMENTS, TOM HAS HAD CONTACT WITH THE VETERANS ADMINISTRATION STAFF ABOUT THIS ISSUE. AS WE KNOW WE ARE NOT THE ONLY COMMUNITY WHO IS DEALING WITH THIS, JUST GO TO DOWNTOWN ANN ARBOR ON ANY GIVEN DAY, THEY HAVE A TREMENDOUS PROBLEM. EARLIER TODAY AS I SHARED WITH THE CHAIRMAN AND MR. COONAN, I DID CONTACT JOEL STRASZ OUR HEALTH DIRECTOR WHO ALSO SERVES AS THE CHAIRPERSON OF THE HUMAN SERVICES COORDINATING COUNSEL. THAT IS AN ORGANIZATION THAT HAS BEEN IN EXISTENCE IN THE COMMUNITY FOR MANY YEARS, IT BRINGS TO THE TABLE ALL OF THE STAKE HOLDERS THAT DEAL WITH HUMAN SERVICE ISSUES INCLUDING NOT ONLY MENTAL HEALTH BUT DHS AND A MERIT OF OTHER AGENCIES THAT ARE DOING VERY GOOD WORK IN THE COMMUNITY ON A LOT OF DIFFERENT ISSUES. I THINK WE SHOULD PUT THIS ON THE NEXT COMMITTEE COUNSEL AGENDA. THERE IS A FAIR AMOUNT OF WORK BEING DONE AND THERE IS PROBABLY MORE THAT CAN BE DONE. AS MR. TILLY POINTED OUT ITS NOT GOING TO GO AWAY BUT WE CAN HAVE AN IMPACT.

COMM. KRYGIER:

WE HAVE TO WALK A FINE LINE BECAUSE THE LAST THING WE WANT TO DO IS INFRINGE ON SOMEONE'S CIVIL RIGHTS FOR FREEDOM OF SPEECH. ESPECIALLY IF IT TURNS OUT TO BE A VET WHO NEEDS A HELPING HAND AND IS NOT GETTING THE PROPER COUNSELING THAT THEY SHOULD.

D. ROGERS:

DAVE ROGERS, BAY COUNTY RESIDENT, RECOGNIZED AND CONGRATULATED HAROLD ON HIS RETIREMENT. THEY STARTED BAY 3 TV TOGETHER, HE SAID 18 YEARS AGO. A NUMBER OF YOUNG PEOPLE, HAVE GONE INTO CAREERS IN TELEVISION INCLUDING THE CHIEF ENGINEER, EITHER CHANNEL 12 OR CHANNEL 5, SEVERAL PEOPLE HAVE DONE WELL. BRIEFLY I WANT TO MENTION TO YOU THE HISTORY OF TELEVISION IN THIS COMMUNITY. IN 1971 THE SKILL CENTER WAS BUILD BY BAY ARENAC ACCORDING TO THE PEOPLE ON A MILLAGE, THEY BUILD A MAGNIFICAT STUDIO IN THERE. IN 1984 WHEN I WENT TO WORK OVER THERE IT HAD BEEN ABANDON, IT HAD NEVER BEEN USED. I ATTEMPTED TO GET A CHANNEL, AND WAS TOTALLY SHUT OUT FOR 12 YEARS. FINALLY, I BELIEVE, IT WAS CHARTER THAT CAME IN AND WE WERE ABLE TO GET THE CHANNEL AND HAROLD WAS ABLE TO GET THE TECHNOLOGY GOING AND STARTED THE

WHOLE THING. ANYWAY, IT WOULD BE A SHAME I SEE THE BAY CITY SCHOOLS IS PULLING OUT OF BAY 3 TV, WHICH IS A SHAME, I HOPE IT DOES NOT DIE. THANK YOU FOR THE TIME.

M. BRISTOW:

I WOULD LIKE TO TALK ABOUT THEN AND NOW. THEN WE HAD INDIAN SITES ACCORDING TO THIS PAPER. TO THE ONE SITE THERE IS A BURIAL GROUND THAT WOULD BE WHERE BAYSIDE PARK IS NOW. HERE IS A PLOT MAP FROM 1916. YOU CAN GET THIS, BY THE WAY, OUT OF THE U OF M LIBRARY. A GENTLEMAN BY THE NAME OF BUNK OWNED THE PROPERTY AT THE MOUTH OF THE KAWKAWLIN, PETER AND CHARLES LIND HAD A FARM IN SECTION 4 OF BANGOR TOWNSHIP. WE GO NOW AND WE FAST FORWARD AND ALL OF A SUDDEN THIS BAYSIDE PARK IS LISTED AS A CONFINED DISPOSAL FACILITY, WHAT IS A CONFINED DISPOSAL FACILITY? IT IS THE SAME THING WE HAVE AT THE MOUTH OF THE BAY, THAT NO ONE WANTS TO GO ON. IN ABOUT 20 YEARS IT WILL BE FILLED WITH ABOUT A FOOT OF TOP SOIL AND IT WILL BE A NEW ISLAND TO GO PLAY ON, AND THIS IS WHAT IT IS AND ITS IN A RESIDENTIAL AREA. A CONFINED DISPOSAL FACILITY IN A RESIDENTIAL AREA. HERE IS A 1938 MAP SHOWING YOU THE FARM. THE DEQ, THEY COME OUT WITH A 2016 303-D REPORT, IT SAID THEY WILL HAVE THIS DONE IN TOTAL MAXIMUM DAILY LIMIT IS SCHEDULED TO BE DONE IN 2022. THE 2014 REPORT SAID IT WILL BE DONE IN 2013. NOTHING IN THE 2002 REPORT SAID IT WILL BE DONE IN 2003. HERE IS A 1960 PICTURE OF A FLYOVER OF THE SAME AREA, THEN YOU HAVE A MINE. THE WENONA COAL MINE AND YOU STILL HAVE A FARM. NOW IT LEADS ME TO BELIEVE IF YOU START LOOKING AT LIABILITIES AND WHO HAS THE RESPONSIBILITY, AND ON THE COUNTY WEB SITE THE KAWKAWLIN WATERSHED MANAGEMENT PLAN, IT WOULD BE CHAPTER 3 PAGE 39 YOU HAVE THE DESCRIPTION OF THE PROPERTY THAT IS WANTED. YOU ALSO HAVE IT WHERE IT LOOKS LIKE AN INTENTIONAL SETUP. FOR MITIGATION OF WETLANDS, YOU HAVE A DRAINAGE LAW THAT YOU HAVE TO FOLLOW, IT'S A FEDERAL LAW YOU HAVE NO CHOICE. THIS IS THE DEQ MAP THAT IS SHOWING IN 2014, THE AREA THAT WE LIVE IN IS LOADED WITH PCB. THIS IS ANOTHER ONE THAT IS SHOWING TOXICITY FOR THE DIOXIN ALONG THE SHORELINE, AGAIN RIGHT OFF THE DEQ. TOBICO MARSH, WE GO BACK AND LOOK AT THAT, WE LOOK AT THE DIKE WHEN I CALLED THE NRC ON A PARTICULAR ISSUE THEY SAID THE NATURAL FLOW WENT OUT PARISH ROAD, IT WENT OUT THE TOBACCO MARSH. THAT WAS THEN AND THIS IS NOW. HERE IS A LIST OF NAMES THAT DUCKS UNLIMITED WANTS THEIR PROPERTY, NO ONE HAS BEEN NOTIFIED, NO ONE HAS BEEN

TALKED TO, NO LETTERS SENT, NOTHING. CANCER, HOW RANDOM IS CANCER? A STUDY BY JOHN HOPKINS UNIVERSITY. THE AUTHORS OF THE NEW STUDY, ENVIRONMENTAL EFFECTS HAVE MORE ROBUST EFFECT A 70% TO 90% IF YOU ARE WILLING TO GAMBLE, YOU DON'T HAVE TO GO TO SAGANING YOU CAN GO RIGHT HERE. NOW WE GO TO SELLING PROPERTY, WHO KNEW THERE WOULD BE A DISCLOSURE LAW THAT YOU HAVE TO TALK ABOUT WHEN SELLING YOUR PROPERTY. IN OTHER WORDS, ALL THE PEOPLE WHO HAVE PROPERTY THAT IS SOLD AROUND THE CONFINED DISPOSAL PROPERTY THEY CAN SUE. HOW FAR DO YOU HAVE TO LIVE FROM IT? THEY ESTIMATE TWO MILES. NOW I ASK CHAIRMAN KRYGIER HAVE I NOT ESTABLISHED MANY TIMES IN CONTACT WITH YOU AND BROUGHT FACTS THAT YOU WERE SATISFIED WITH.

COMM. KRYGIER: YOU HAVE NEVER STEERED ME WRONG ON INFORMATION THAT YOU FOUND WITHIN DIFFERENT DEPARTMENTS, THAT IS JUST THERE AND PEOPLE NEEDED TO HAVE THE WILLINGNESS TO DIG INTO IT OR TAKE THE TIME TO DIG INTO IT.

M. BRISTOW: THAT IS THE WHOLE THING, TAKING THE TIME TO DIG INTO IT. I CAN'T MAKE THIS STUFF UP, BECAUSE ITS ALL BACKED UP WITH THE PROOF IN THESE BOOKS. YOU START TO SEE A HISTORY, AND THE HISTORY TELLS A STORY. YOU HAVE A CHUNK OF LAND THAT THE DEQ WANTS THEY DON'T CARE HOW THEY GET IT THE GENTLEMEN WHO OWNS IT IS IN COURT NOW. HOW CLOSE ARE WE TO A CONSPIRACY. I SUGGEST WE START PUTTING DOWN A LITTLE THOUGHT HERE AND TRY AND START SOLVING AND WORKING TO GET PROBLEMS DONE. I WOULD HOPE THAT MAYBE THIS COMMISSION WOULD SEE IT, IN THE BEST INTEREST IN THE ENTIRE COMMUNITY.

COMM. KRYGIER: ADMINISTRATION HAS HAD AND IS PRESENTLY WORKING ON INFORMATION DEALING WITH THAT SITE IN BANGOR TOWNSHIP AND OUR LAWYER HAS SPENT TIME AND WE HAVE FOIA'S OUT THERE TO TRY TO GET THE INFORMATION ON WHAT TYPE OF SPOILS WERE PUT IN WHAT ATTESTED TODAY JUST SO THE BOARD KNOWS THAT WE NEED TO CONTINUE TO HOLD THE DEQ AND THE CORP. OF ENGINEERS ACCOUNTABLE FOR DECISIONS THAT WERE MADE TO PUT A DISPOSAL SITE IN A RESIDENTIAL AREA AND WHETHER OR NOT THERE IS ANY LEACHING OR IF THERE IS ANY PARALLEL BETWEEN THAT SITE AND INDIVIDUALS THAT LIVE THERE HAVE COME DOWN WITH CANCER. I KNOW IT WILL BE ONGOING AND THAT TOM I'M SURE YOU WILL SUPPORT THE

ACTIONS AND WHATEVER IS NEEDED BY LAURA AND AMBER TO MAKE THESE PEOPLE ACCOUNTABLE.

**PETITIONS AND COMMUNICATIONS
REPORTS/RESOLUTIONS OF COMMITTEES**

RES. 2016-1 : COMM. TILLEY MOVED TO ADOPT RES. 2016-1, IN RECOGNITION OF HAROLD BEAUCHAMP ON HIS RETIREMENT FROM BAY 3 TV, IT WAS SUPPORTED BY COMM. HEREK AND PASSED BY A VOICE VOTE OF: 7 YEAS, 0 NAYS.

CLERK LUCZAK: READ RESOLUTION 2016-1 HONORING HAROLD BEAUCHAMP INTO THE RECORD.

COMM. KRYGIER: COMMISSIONER KRYGIER PRESENTED HAROLD BEAUCHAMP WITH RES. 2016-1 AND SAID; YOU HAVE BEEN THE EYES AND THE EARS OF BAY COUNTY YOU HAVE INVOLVED YOURSELF WITH KIDS AND EDUCATION AND WE ARE CERTAINLY GOING TO MISS YOU BUT WE ARE VERY HAPPY THAT YOU HAVE HAD THE OPPORTUNITY TO TRAVE THE STATES SO YOU CAN SEE THIS COUNTY. SO ON BEHALF OF THE BOARD OF COMMISSIONERS WE WOULD LIKE TO CONGRATULATE YOU ON YOUR RETIREMENT.

H. BEAUCHAMP: HE REMEMBERED WHEN HE DID THE FIRST MEETING THAT THE BAY COUNTY COMMISSION AND ALL OF THE OTHER MEETINGS AND HE WAS THE ONLY ONE WITH BAY 3 TV WHO WAS HERE WHEN IT ALL STARTED AND HE STATED THAT, WHEN IT ALL ENDED AS MY RETIREMENT HE WANTED TO SERIOUSLY AND SINCERELY THANK EVERYONE IN BAY COUNTY ESPECIALLY THE BOARD OF COMMISSIONERS AND THE EXECUTIVE STAFF FOR EVERYTHING THEY HAVE DONE. HE IS GOING TO MISS BEING HERE, SOME WILL NOT BELIEVE ME BUT THE COUNTY MEETINGS WERE MY FAVORITE MEETING BECAUSE HE COULD JUST SIT. HE JUST WANT TO THANK EVERYONE FOR THIS RECOGNITION AND IT REALLY MEANS A LOT.

L. OGAR: ENVIRONMENTAL AFFAIRS DIRECTOR, LAURA OLGAR, SPOKE OF PHRAGMITES COSTAL RESTORATION AND A PENDING GRANT INTO THE DNR, A \$400,000 GRANT. WHILE IT HAS NOT BEEN AWARDED YET, COUNTY OFFICIALS ARE IN DISCUSSION WITH THE DNR. BEFORE WE MADE REQUESTED CHANGES WE ENQUIRED, DOES THIS LOGICALLY MEAN THAT WE ARE GOING TO BE AWARDED THE GRANT, SHE WAS AFFIRMATIVE, BUT SHE COULD NOT PROMISE THAT BUT THAT IS WHY WE WERE

BEING ASKED TO REVIEW SOME OF THOSE ACTIVITIES. FOR \$400,000 OF TOTAL PROJECT COST FOR TREATMENT AND COMMUNITY ENGAGEMENT FOR MANAGEMENT OF PHRAGMITES THAT WILL GO FROM ARENAC COUNTY, ONE OF OUR PARTNERS IS THE SAGINAW CHIPPEWA TRIBE, HAMPTON TOWNSHIP AND MOVING INTO TUSCOLA COUNTY. THERE IS A SISTER PROJECT TO THIS PROJECT WITH MICHIGAN TECH. MOVING UP THE SAGINAW RIVER CORRIDOR AND MOVING INTO FRANKLIN TOWNSHIP. THE SAGINAW BAY COSTAL INITIATIVE, IT WAS FORMED IN 2006, THIS IS OUR 10 YEAR ANNIVERSARY. ITS PRETTY COMPELLING SOME OF THE WORK WE ARE ENGAGED IN THIS YEAR BECAUSE WHILE WE HAVE BEEN DEALING WITH THE SAGINAW BAY AND THE SAGINAW RIVER AND MEETING EVERY MONTH, THERE IS ANOTHER ORGANIZATION CALLED THE PARTNERSHIP OF THE SAGINAW BAY WATERSHED THAT IS FOCUSED ON THAT SAME GEOGRAPHY THE AREA OF CONCERN THE SAGINAW BAY AND THE SAGINAW RIVER AND YET THERE BOARD MEMBERS ARE WITHIN THE WATERSHED, GO DOWN TO OAKLAND COUNTY, LAPEER, GENESSEE, UP INTO CLARE AND YET THEY DON'T MEET, AND YET WE OVERLAP A GEOGRAPHY AND WE SHARE GOALS AS FAR AS RESTORATION. ITS AN EXCITING TIME TO FINALLY HAVE THESE TWO GROUP WORKING TOGETHER AND POSSIBLY FORMING SOME KIND OF OFFICIAL RECOGNIZED TYPE OF MERGER IN FACT. THE PARTNERSHIP IS THE DESIGNATED PUBLIC ADVISORY COUNSEL THAT ACTUALLY IS ABLE TO DIRECT WHERE FEDERAL FUNDING GOES FOR FEDERAL PROJECTS, FOR RESTORATION, SO IT WAS CRITICAL TO TIE IN WITH THEM. TOP PRIORITIES ARE BEACH CLOSING AND THE MUCK ON THE BEACH THE MUCK SEEMS TO HAVE GOT INCREASINGLY LESS AND THE WATER CLARITY OUT THERE AT THE BAY HAS IMPROVED. WE ARE WORKING WITH JOEL STRASZ ON THE BEACH CLOSING AND LOOKING AT FURTHER SOURCE IDENTIFICATION. WE HAVE REALLY LOOKED AT THE SEWAGE OUTFALL AT THE PUBLIC WASTE WATER SYSTEMS IT DOES NOT LOOK AS IT IS SO MUCH ATTRIBUTED TO THOSE SOURCES AS IT IS TODAY AS LAND SPREADING, FROZEN GROUND AND THERE IS A FARMER OUT THERE AND SPREADING LIQUID MANURE THAT THEY ARE SPREADING OVER THEIR FIELD RIGHT NEXT TO A DITCH. WE ARE LOOKING INTO THOSE OTHER SOURCES THAT HAVE BEEN PRETTY MUCH IGNORED OVER THE LAST 10 YEARS. LASTLY, JUST AN UPDATE ON THE BAY CITY STATE RECREATION SHORE LINE, FOR OVER 2 YEARS NOW WE HAVE BEEN WORKING ON THE BOARDWALK AND THE 1000 FEET OF

BEACH FRONT THAT WE WERE BASICALLY OFFERED TO GAIN ACCESS TO THE SHORELINE. ONE INSISTED THAT THEY WERE NOT GOING TO BE INSTALLED THE OTHER INSISTED THEY HAD TO BE INSTALLED, BUT ONCE YOU GET PAST THAT, THEN YOU GO DEAL WITH A SIMILAR SITUATION WITH THE DEQ AND ON. THIS PROJECT WHILE WE HAVE PERMITS NOW FROM THE DEQ TO BUILD THE BOARDWALK THE BEACH HAD SHRUNK DOWN FROM 1000 FEET DOWN TO 650 FEET AND CURRENTLY AS WE DISCOVERED LAST YEAR WE ONLY HAVE ACTUALLY FROM THE ORIGINAL LOCATION WE HAVE ABOUT 94 FEET OF WHERE WE COULD ACTUALLY DO THIS BEACH GROOMING BECAUSE THE REST OF THE SHORELINE IS UNDER PRESERVED DO NOT DISTURB LAND USE RESTRICTION UNDER DEED RESTRICTIONS. THAT HAS BEEN COMMUNICATED OFFICIALLY WITH THE DNR. WE HAVE MADE A FORMAL REQUEST AT THE END OF LAST YEAR TO HAVE THESE DEED RESTRICTIONS LIFTED, THEY DO HAVE A JANUARY 18TH DEADLINE TO GET BACK TO US. WE HAVE A BODY OF RECORDS TO HELP THEM WITH THAT ENDEAVOR. WE HAVE WETLANDS THAT WERE CREATED THAT WATERFRONT AREA BEFORE THE SHORELINE THAT SAND HAS BEEN REMOVED AND THOSE WETLAND OUT THERE WERE CREATED, THE WETLANDS PLANTS THAT WERE FOUND OUT THERE WERE ACTUALLY HARVESTED FROM TOBICO MARSH AND PLANTED IN THAT WETLAND AREA. ITS BEEN A REAL INTERESTING PROCESS TO KIND OF PEAL BACK WHAT HAS ACTUALLY GONE ON OUT THERE AT THE SHORELINE AND TO PLOT A PATH FORWARD, WHICH IS THE REAL KEY.

MOTION 10: COMM. COONAN MOVED TO RECEIVE THE PRESENTATION BY LAURA OLGAR, DIRECTOR OF ENVIRONMENTAL AFFAIRS AND COMMUNITY DEVELOPMENT, ON THE SAGINAW-BAY COASTAL INITIATIVE AND THE BAY CITY STATE RECREATION AREA (BCSRA) SHORELINE. IT WAS SUPPORTED BY COMM. LUTZ AND CARRIED BY A VOICE VOTE OF: 7 YEAS, 0 NAYS.

MOTION 11: COMM. HEREK MOVED TO RECEIVE THE COMMUNICATION SUBMITTED BY JANET GREIF, SUPERINTENDENT OF BAY CITY PUBLIC SCHOOLS- NOTICE OF WITHDRAWAL FROM COOPERATIVE OPERATION OF EDUCATIONAL/GOVERNMENT ACCESS CHANNEL BAY 3 TV, FINAL OPERATION EFFECTIVE JUNE 30, 2016. IT WAS SUPPORTED BY COMM. LUTZ AND CARRIED BY A VOICE VOTE OF: 7 YEAS, 0 NAYS.

MOTION 12: COMM. DURANCZYK MOVED TO RECEIVE MOTION TO CONCUR

WITH THE ELECTIVE RECOMMENDATION ROBIN K. WIESS - REQUEST FOR APPOINTMENT TO DIVISION ON AGING ADVISORY COMMITTEE - 1ST DISTRICT. (COMMISSIONER DURANCZYK RECOMMENDS APPOINTMENT OF ROBIN K. WIESS - CONCUR). IT WAS SUPPORTED BY COMM. LUTZ AND CARRIED BY A VOICE VOTE OF: 7 YEAS, 0 NAYS

REPORTS/RESOLUTIONS OF COMMITTEES

WAYS AND MEANS (KIM J. COONAN, CHAIR; DONALD J. TILLEY, VICE CHAIR)

- RES. 2016-2: COMM. COONAN MOVED TO ADOPT RES. 2016-2 VETERANS FOUNDATION - GRANT APPLICATION (ADMINISTRATIVE SERVICES). THE MICHIGAN VETERAN AFFAIRS AGENCY'S COUNTY INCENTIVE GRANT IN THE AMOUNT OF \$5,000.00 FOR TECHNOLOGY UPGRADES/INVESTMENTS. THE GRANT WOULD MAINTAIN A VETERAN DATABASE, TWO COMPUTER TERMINALS, BASIC OFFICE FURNITURE (DESK AND CHAIRS) COLOR PRINTER AND PHOTOCOPIER. ADDITIONALLY A BUDGET FOR FUNDING TONER AND COPIER PAPER. IT WAS SUPPORTED BY COMM. BEGICK AND PASSED BY A VOICE VOTE OF: 7 YEAS, 0 NAYS.
- RES. 2016-3: COMM. COONAN MOVED TO ADOPT RES. 2016-3 SECURUS TECHNOLOGIES THIRD AMENDMENT TO INMATE FACILITY SERVICES AGREEMENT (SHERIFF DEPT.). SECURUS TECHNOLOGIES CURRENTLY PROVIDES THE TELEPHONE SERVICES THE BAY COUNTY JAIL INMATES. A THIRD AMENDMENT HAS BEEN SUBMITTED FOR SIGNATURE AND THIS THIRD AMENDMENT IS EFFECTIVE AS OF THE LAST DATE SIGNED AND AMENDS AND SUPPLEMENTS THE CONTRACT DATED JULY 26, 2005, AS SUBSEQUENTLY AMENDED BY THAT CERTAIN FIRST AMENDMENT DATED DECEMBER 22, 2010. IT WAS SUPPORTED BY COMM. TILLEY AND PASSED BY A VOICE VOTE OF: 7 YEAS, 0 NAYS.
- RES. 2016-4: COMM. COONAN MOVED TO ADOPT RES. 2016-4 CORRECTIONAL HEALTHCARE COMPANIES CONTRACT (SHERIFF DEPT.). BAY COUNTY SHERIFF DEPARTMENT HAS CONTRACTED WITH CORRECTIONAL HEALTHCARE COMPANIES (CCH) SINCE 2008 TO PROVIDE PROFESSIONAL HEALTHCARE SERVICES WITH ADEQUATE STAFFING AND SERVICES FOR INMATE CARE AT THE SHERIFF DEPARTMENT. CHC HAS SUBMITTED A NEW CONTRACT TO COVER THE PERIOD OF SEPTEMBER 1, 2015 THROUGH AUGUST 31, 2020.

IT WAS SUPPORTED BY COMM. HEREK AND PASSED BY A VOICE VOTE OF: 7 YEAS, 0 NAYS.

RES. 2016-5: COMM. COONAN MOVED TO ADOPT RES. 2016-5 RAP GRANT APPLICATION - X-RAY SCREENING SYSTEM (SHERIFF DEPT.). THE BAY COUNTY SHERIFF IS RESPONSIBLE FOR OVERSEEING SECURITY AT THE BAY COUNTY COURT FACILITY AND IN ADDITION TO PROVIDING PERSONNEL TO SCREEN VISITORS AT THE ENTRANCE OF THE FACILITY, AN X-RAY SCREENING SYSTEM IS REQUIRED FOR ADDED SECURITY. THE CURRENT SYSTEM IS OUTDATED AND IN NEED OF REPLACEMENT IN ORDER TO EFFECTIVELY PROVIDE SECURITY. THE COST FOR THE X-RAY INSPECTION (#5333) SYSTEM, HANDHELD EXPLOSIVE AND NARCOTIC DETECTION SYSTEM AND METAL DETECTION SYSTEM IS \$15,742.00. NO FUNDS WERE BUDGETED FOR THIS EQUIPMENT, REQUIRING A BUDGET ADJUSTMENT FOR GENERAL FUND. RISK AVOIDANCE PROGRAM (RAP) FUNDING IS AVAILABLE THROUGH MICHIGAN MUNICIPAL RISK MANAGEMENT AUTHORITY (MMRMA). AUTHORIZATION IS SOUGHT TO APPLY FOR RAP GRANT FUNDING FOR THE PROJECT IN THE AMOUNT OF \$7871.00 (ONE-HALF). THE APPLICATION DEADLINE IS JANUARY 29, 2016. IT WAS SUPPORTED BY COMM. DURANCZYK AND PASSED BY A VOICE VOTE OF: 7 YEAS, 0 NAYS.

RES. 2016-6: COMM. COONAN MOVED TO ADOPT RES. 2016-6 ROAD PATROL "POOLED" CONTRACT FOR FY2016-2017 (SHERIFF DEPT.). THE BAY COUNTY SHERIFF WISHES TO CONTINUE CONTRACTS FOR THE ROAD PATROL SERVICES AGREEMENTS FOR POOLED CONTRACTS (60/40) THAT HAVE BEEN IN EFFECT SINCE 2009 AND THE POOLED ROAD PATROL AGREEMENT WILL BE IN EFFECT FROM APRIL 1, 2016 THROUGH MARCH 31, 2017. THE CALENDAR YEAR AGREEMENTS WITH MONITOR, BANGOR, PORTSMOUTH AND WILLIAMS TOWNSHIPS AND WITH THE CITY OF AUBURN ALSO NEED TO BE RENEWED FOR THE PERIOD OF JANUARY 1, 2016 THROUGH DECEMBER 31, 2017. IT WAS SUPPORTED BY COMM. DURANCZYK AND PASSED BY A VOICE VOTE OF: 7 YEAS, 0 NAYS.

RES. 2016-7: COMM. COONAN MOVED TO ADOPT RES. 2016-7, 2016 EQUITABLE SHARING AGREEMENT (SHERIFF DEPT.). THE BAY COUNTY SHERIFF DEPARTMENT HAS BEEN INVOLVED IN THIS PROGRAM SINCE 2007 AND HAS RECEIVED SIGNIFICANT FUNDS AS THE RESULT OF PARTICIPATION IN THIS PROGRAM. THIS AGREEMENT ALLOWS FOR PARTICIPATION IN THE FEDERAL EQUITABLE SHARING

PROGRAM AND OUTLINES RESTRICTION UPON THE USE OF FEDERALLY FORFEITED CASH, PROPERTY, PROCEEDS AND INTEREST EARNED THEREON WHICH ARE EQUITABLY SHARED WITH THE PARTICIPATING LAW ENFORCEMENT AGENCIES. IT WAS SUPPORTED BY COMM. BEGICK AND PASSED BY A VOICE VOTE OF: 7 YEAS, 0 NAYS.

RES. 2016-8: COMM. COONAN MOVED TO ADOPT RES. 2016-8 FEE SCHEDULE FOR BAY COUNTY GOLF COURSE (RECREATION AND FACILITIES). THE BAY COUNTY GOLF COURSE SETS FEES FOR GOLD, CARTS AND OTHER SERVICES OFFERED AT THIS RECREATION SITE. IN AN EFFORT TO SIMPLIFY THE FEE SCHEDULE FOR OUR CUSTOMERS AND OUR EMPLOYEES, A CHANGE OF FEE SCHEDULE STRUCTURE FOR THE GOLF COURSE IS RECOMMENDED. IT WAS SUPPORTED BY COMM. LUTZ AND PASSED BY A VOICE VOTE OF: 7 YEAS, 0 NAYS.

RES. 2016-9: COMM. COONAN MOVED TO ADOPT RES. 2016-9 FEE SCHEDULE ADDITION - INDOOR BASEBALL/GOLF PROGRAM (RECREATION AND FACILITIES). THE BAY COUNTY COMMUNITY CENTER RECENTLY PURCHASED AND INSTALLED AN INDOOR BASEBALL/GOLF NET IN THE SMALL GYM. THIS NET CAN BE SET UP IN ABOUT 5 MINUTES OR LESS BY COMMUNITY CENTER STAFF AND WILL ALLOW PEOPLE TO PRACTICE THEIR GAME INSIDE DURING THE COLD AND WET SEASONS WHEN IT IS DIFFICULT TO PLAY THESE SPORTS OUTSIDE. IT WAS SUPPORTED BY COMM. TILLEY AND PASSED BY A VOICE VOTE OF: 7 YEAS, 0 NAYS.

RES. 2016-10: COMM. COONAN MOVED TO ADOPT RES. 2016-10 EQUIPMENT FOR CARDIO DRUMMING CLASS (RECREATION AND FACILITIES). CARDIO DRUMMING, A FULL BODY WORKOUT THAT COMBINES LIGHT RESISTANCE, CARDIO AND DRUMMING, IS A CLASS THE COUNTY WOULD LIKE TO OFFER EMPLOYEES/SPOUSES/RETIREES AND THE PUBLIC TO ENJOY. A BUDGET ADJUSTMENT IN THE AMOUNT OF \$300.00 IS NECESSARY TO PURCHASE THE REQUIRED EXERCISE BALLS AND DRUM STICKS. IT WAS SUPPORTED BY COMM. TILLEY AND PASSED BY A VOICE VOTE OF: 7 YEAS, 0 NAYS.

RES. 2016-11: COMM. COONAN MOVED TO ADOPT RES. 2016-11 COMMUNITY CENTER FITNESS CENTER EQUIPMENT (RECREATION AND FACILITIES). THE BAY COUNTY COMMUNITY CENTER HAS A FITNESS CENTER USED BY EMPLOYEES, SPOUSES, RETIREES AND THE PUBLIC ALIKE. SOME OF OUR EQUIPMENT HAS AGED AND IS

WORN FROM USE. WE WOULD LIKE TO REPLACE THE UNIVERSAL MACHINE THAT IS PAST ITS USEFUL LIFE WITH FOUR (4) SEPARATE MACHINES; A LEG PRESS, A CHEST PRESS, A TRICEP MACHINE AND LAT PULL DOWN. ALSO, WE WOULD LIKE TO PURCHASE A TREADMILL, AN INCLINE BENCH, AND VARIOUS SMALL PIECES OF UNDESIGNATED EQUIPMENT WITH REMAINING FUNDS. A BUDGET ADJUSTMENT OF UP TO \$12,500.00 FROM THE GENERAL FUND WOULD BE NECESSARY TO PURCHASE THIS EQUIPMENT. IT WAS SUPPORTED BY COMM. HEREK AND PASSED BY A VOICE VOTE OF: 7 YEAS, 0 NAYS.

RES. 2016-12: COMM. COONAN MOVED TO ADOPT RES. 2016-12 A & D HOME HEALTH CARE, INC. WAIVER CONTRACT (DIVISION ON AGING). A & D HOME HEALTH CARE WAIVER DIVISION OPERATES ON A CONTRACT BASIS WITH THE BAY COUNTY DIVISION ON AGING AND A CONTRACT TO EXTEND THE CURRENT AGREEMENT THAT COVERS PAYMENT AND SERVICES UNDER THE MI CHOICE WAIVER PROGRAM FOR THE PERIOD OCTOBER 1, 2015 THROUGH SEPTEMBER 30, 2016. IT WAS SUPPORTED BY COMM. DURANCZYK AND PASSED BY A VOICE VOTE OF: 7 YEAS, 0 NAYS.

RES. 2016-13: COMM. COONAN MOVED TO ADOPT RES. 2016-13, 2016 HAZARDOUS MATERIALS EMERGENCY PREPAREDNESS GRANT FOR LOCAL EMERGENCY PLANNING COMMITTEE (EMERGENCY MANAGEMENT). THE BAY COUNTY LOCAL EMERGENCY PLANNING COMMITTEE (LEPC) IS CHARGED WITH DEVELOPING EMERGENCY SITE PLANS (A/K/A SARA TITLE III, SECTION 302, OFF-SITE RESPONSE PLANS) TO RESPOND TO CERTAIN CHEMICAL ACCIDENTS BASED UPON INFORMATION PROVIDED BY LOCAL FARMS AND BUSINESSES AS TO THE CHEMICALS THEY HAVE ON SITE. FOR THE PAST SEVERAL YEARS, THE STATE OF MICHIGAN HAS ISSUED HAZARDOUS MATERIALS EMERGENCY PREPAREDNESS (HMEP) GRANT FUNDS TO COUNTY LEPCS FOR THE PURPOSE OF ENHANCING HAZARDOUS MATERIAL RESPONSE PLANNING FOR THE COUNTY AND TO PROVIDE SUPPORT FOR THE ONGOING OPERATION OF LOCAL LEPCS. EMERGENCY SITE PLANS DEVELOPED AND SUBMITTED BY THE BAY COUNTY LEPC WILL BE REIMBURSED AT A RATE OF \$250.00 FOR EACH NEW SITE PLAN COMPLETED AND \$30.00 FOR EACH UPDATED EXISTING SITE PLAN. THE GRANT APPLICANT/RECIPIENT DEPARTMENTS ARE REQUIRED TO WORK WITH THE FINANCE DEPARTMENT WHOSE STAFF WILL PROVIDE FINANCIAL OVERSIGHT OF SAID GRANT. IT IS CLEARLY

UNDERSTOOD THAT IF THESE GRANT FUNDS ARE TERMINATED, ANY POSITION(S) FUNDED BY THIS GRANT SHALL BE TERMINATED AND WILL NOT BE ABSORBED BY THE COUNTY. IT WAS SUPPORTED BY COMM. TILLEY AND PASSED BY A VOICE VOTE OF: 7 YEAS, 0 NAYS.

RES. 2016-14: COMM. COONAN MOVED TO ADOPT RES. 2016-14 MEMORANDUM OF UNDERSTANDING WITH MOBILE KIDS DENTAL (JUVENILE HOME). IT IS REQUIRED BY THE STATE OF MICHIGAN THAT CHILD CARE INSTITUTIONS PROVIDE A DENTAL EXAMINATION WITHIN 90 CALENDAR DAYS AFTER ADMISSION; CURRENTLY RESIDENTS RECEIVE EMERGENCY TREATMENT AS NEEDED. THE SERVICES FOR EXAMINATIONS WILL BE AT NO COST TO THE JUVENILE HOME UNLESS IT IS AGREED IN ADVANCE. THE JUVENILE HOME HAS FUNDS TO AID IN COST OF IMMEDIATE-NEED SERVICES THAT ARE NOT COVERED BY ANOTHER SOURCE. IT WAS SUPPORTED BY COMM. LUTZ AND PASSED BY A VOICE VOTE OF: 7 YEAS, 0 NAYS.

RES. 2016-15: COMM. COONAN MOVED TO ADOPT RES. 2016-15 SERVICE CONTRACT WITH MOBILEXUSA (JUVENILE HOME). MOBILEXUSA CAN PROVIDE X-RAY SERVICES ON SITE CHARGING A FLAT RATE OF \$90.00 PER EVENT THUS REDUCING THE LIABILITY AND COST OF TRANSPORTING A YOUTH OUTSIDE THE FACILITY. IT WAS SUPPORTED BY COMM. BEGICK AND PASSED BY A VOICE VOTE OF: 7 YEAS, 0 NAYS.

RES. 2016-16: COMM. COONAN MOVED TO ADOPT RES. 2016-16 SERVICE CONTRACT WITH BIZSTREAM (JUVENILE HOME). THE BAY COUNTY JUVENILE HOME HAS ACQUIRED A SERVICE FROM BIZSTREAM FOR MAINTENANCE OF AN ELECTRONIC FILING SYSTEM FOR ALL RESIDENTS SINCE 2011. BIZSTREAM WAS CONTRACTED TO CREATE A SOFTWARE SYSTEM THAT WOULD PROVIDE ELECTRONIC, PAPERLESS FILES AND ABILITY TO PRODUCE REPORTS NECESSARY FOR STATE REQUIREMENTS. BIZSTREAM HAS UPGRADED THIS SYSTEM AND AT THIS TIME, STILL MAINTAINS THE OLD SYSTEM; HOWEVER, IN 2016 BIZSTREAM WILL NO LONGER MAINTAIN THE OLD SYSTEM AND EXPECTS ALL USERS TO UPGRADE TO THE NEWER VERSION. THE COST TO INCLUDE TRAINING, E-MAIL SUPPORT, BUG FIXES AND PATCHES, SCHEDULED UPGRADES AND ENHANCEMENTS, MANAGED BACKUP AND RECOVERY OF CUSTOMER DATA, CONSTANT SERVER MONITORING AND 99.9% UPTIME GUARANTEED, IS \$676.00 PER MONTH FOR A TOTAL OF \$8,112.00

PER YEAR AND THESE FUNDS HAVE BEEN BUDGETED. IT WAS SUPPORTED BY COMM. BEGICK AND PASSED BY A VOICE VOTE OF: 7 YEAS, 0 NAYS.

- RES. 2016-17: COMM. COONAN MOVED TO ADOPT RES. 2016-17 MAJOR CAPITAL IMPROVEMENT PROJECTS - BID PROCESS (BUILDING AND GROUNDS). NEW ROOF OVER THE HEALTH DEPT. AND COURT FACILITY. THE ROOF OVER THE HEALTH DEPT. AND COURT FACILITY IS OVER 20 YEARS OLD AND NEEDS TO BE REPLACED. A NEW COUNTY WIDE TELECOMMUNICATIONS SYSTEM. THE MAIN TELEPHONE SYSTEM THAT SERVES THE HEALTH DEPT., COURT FACILITY, LEC AND THE COUNTY BUILDING IS OVER 23 YEARS OLD. ASPHALT PARKING LOT AT THE LAW ENFORCEMENT CENTER. IT WAS SUPPORTED BY COMM. LUTZ AND PASSED BY A VOICE VOTE OF: 7 YEAS, 0 NAYS.
- RES. 2016-18: COMM. COONAN MOVED TO ADOPT RES. 2016-18 PAYABLES: GENERAL, BAYANET, CENTER RIDGE ARMS. IT WAS SUPPORTED BY COMM. TILLEY AND PASSED BY A VOICE VOTE OF: 7 YEAS, 0 NAYS.
- RES. 2016-19: COMM. COONAN MOVED TO ADOPT RES. 2016-19 CONTRACT EXTENSION FOR OFFICE SUPPLY AGREEMENT (FINANCE - PURCHASING). BAY COUNTY'S EXISTING CONTRACT WITH OFFICEMAX EXPIRES IN JULY OF 2016. APPROVE EXTENSION OF BAY COUNTY'S EXISTING OFFICE SUPPLIES AGREEMENT CHANGING THE NAME OF THE VENDOR FROM OFFICEMAX TO OFFICE DEPOT, SAID AGREEMENT TO BE IN PLACE UNTIL JUNE 30, 2018. IT WAS SUPPORTED BY COMM. BEGICK AND PASSED BY A VOICE VOTE OF: 7 YEAS, 0 NAYS.
- RES. 2016-20: COMM. COONAN MOVED TO ADOPT RES. 2016-20 AMENDMENT TO RICOH COPIER CONTRACT (FINANCE - PURCHASING). REVIEW OF THE EXISTING CONTRACT BETWEEN BAY COUNTY AND RICOH, IT WAS DETERMINED THE BAY COUNTY'S PRINT/COPY VOLUME HAD SIGNIFICANTLY DECREASED DUE TO THE COUNTY'S EFFORTS TO SAVE PAPER, DECREASING TO THE POINT THAT AN ESTIMATED MONTHLY SAVINGS OF \$430.52 WILL BE RECOGNIZED OR AN OVERALL \$10,763.00 DECREASE IN TOTAL PAYMENTS DURING THE REMAINDER OF THE EXISTING CONTRACT. THERE IS ALSO A REDUCTION IN CHARGES FOR STAPLES UTILIZED RESULTING IN ADDITIONAL SAVINGS. APPROVE CONTRACT ADDENDUM TO THE RICOH COPIER LEASE AGREEMENT DECREASING THE PAPER AND

STAPLE VOLUME RESULTING IN A SIGNIFICANT SAVINGS TO BAY COUNTY. IT WAS SUPPORTED BY COMM. TILLEY AND PASSED BY A VOICE VOTE OF: 7 YEAS, 0 NAYS.

**PERSONNEL/HUMAN SERVICES (MICHAEL LUTZ, CHAIR;
DONALD J. TILLEY, VICE CHAIR)**

RES. 2016-23: COMM. LUTZ MOVED TO ADOPT RES. 2016-23 CONCURRENCE TO POST AND FILL A LEGAL SECRETARY POSITION IN THE BAY COUNTY PROSECUTOR'S OFFICE. IT WAS SUPPORTED BY COMM. BEGICK AND PASSED BY A VOICE VOTE OF: 7 YEAS, 0 NAYS.

**BOARD OF COMMISSIONERS (ERNIE KRYGIER, CHAIR,
DONALD J. TILLEY, VICE CHAIR)**

RES. 2016-21: COMM. TILLEY MOVED TO ADOPT RES. 2016-21 OPPOSITION TO SENATE BILL 110 (RESOLUTION INTRODUCED BY COMMISSIONER DONALD J. TILLEY). THIS BILL WOULD CHANGE THE ELECTION YEAR IN WHICH OUR COUNTY EXECUTIVE IS ELECTED. CURRENTLY OUR COUNTY EXECUTIVE IS ELECTED IN THE SAME YEAR AS THE PRESIDENT OF THE UNITED STATES. SENATE BILL 110 WOULD CHANGE THE ELECTION OF THE COUNTY EXECUTIVE FROM THE PRESIDENTIAL TO THE SAME YEAR AS THE ELECTION OF THE GOVERNOR. IN BAY COUNTY, THAT WOULD RESULT IN A REDUCTION OF OVER 19% (15,344) OF THE VOTERS ELECTING OUR COUNTY EXECUTIVE. IT WAS SUPPORTED BY COMM. COONAN AND PASSED BY A VOICE VOTE OF: 6 YEAS, 1 NAY.

COMM. TILLEY: IF YOU CAN'T WIN A POPULAR VOTE, SO WE ELIMINATE STRAIGHT TICKET VOTING, WE GERRYMANDER THE STATE, WE OBSTRUCT NO REASON ABSENTEE VOTING AND NOW YOU WANT TO MOVE A LOCALS CHOICE, WHEN WE CAN ELECT OUR OWN COUNTY EXECUTIVE TO A GUBERNATORIAL YEAR WHEN WE HAVE A DROP OFF RATE OF ABOUT 19% OF VOTERS IN OUR OWN COMMUNITY, IT'S JUST WRONG. IT'S ANOTHER WAY TO MANIPULATE VOTING IN THE STATE OF MICHIGAN. IF YOU CAN'T BEAT SOMEONE BY POPULAR VOTE, GET OUT OF OFFICE AND I STRONGLY BELIEVE THAT WE SHOULD BE ABLE TO ELECTIVE OUR EXECUTIVE SINCE 1973 OR 1972, SINCE WE HAVE HAD THE COUNTY EXECUTIVE ELECTIVE BY BAY COUNTY, THIS COUNTY HAS DONE WONDERFUL

THINGS OVER THOSE YEARS AND WE BALANCE AND I'M PROUD TO SERVE ON THIS BOARD FOR A DECADE. SO I BRING FORWARD THIS RESOLUTION AND I HOPE THAT MY FELLOW COMMISSIONERS WILL SUPPORT ME IN THIS ENDEAVOR.

COMM. BEGICK: I LOOKED UP THE WHOLE FISCAL ANALYSIS ON THIS BILL AND THE REAL INTENT WAS OF THE BILL WAS TO ALINE WAYNE, OAKLAND AND MACOMB ON THE SAME SCHEDULE. RIGHT NOW WAYNE AND MACOMB IS ON THE GOVERNORSHIP AND OAKLAND IS ON THE PRESIDENTIAL AND BAY COUNTY IS ON THE PRESIDENTIAL. THE REAL REASON IS TO ALIGN THOSE THREE SO THAT THEY ARE IN CORRELATION WITH EACH OTHER AND IT STATES THAT BAY COUNTY MAY OPT ADOPTING A RESOLUTION TO ENSURE THAT BAY COUNTY VOTES CONTINUE TO ELECT THEIR COUNTY EXECUTIVE IN THE PRESIDENTIAL YEAR. OAKLAND COUNTY CAN DO THAT ALSO BUT WE HAVE AN OPT OUT CLAUSE IN THIS. SO I AM GOING TO VOTE AGAINST IT BECAUSE WE HAVE AN OPT OUT CLAUSE AND THE BILL IS JUSTIFIED.

COMM. TILLY: I WILL BE BRINGING FORTH THE OPT OUT CLAUSE IF THEY PASS THIS RESOLUTION AT THE NEXT MEETING, SO THAT WE WILL OPT OUT AND BE ON THE SAME SCHEDULE THAT WE CURRENTLY ARE ON. I THINK IT'S THEY WANT TO MANIPULATE THE ELECTIONS AND THEY ARE PUTTING OAKLAND COUNTY'S EXECUTIVE SEAT IN JEOPARDY AND THE REASON THEY BROUGHT IT FORWARD IS BECAUSE THEY WANT TO MAINTAIN OAKLAND COUNTY BUT THEY HAVE A WONDERFUL REGISTER OF DEEDS DOWN THERE IN RANDY MISNER AND LISA BROWN WHO BOTH, WHO COULD LIKELY, RUN AND COULD WIN THAT SEAT IN OAKLAND COUNTY AND THEY WILL LOOSE THE SEAT THAT THEY ARE SO-CALLED DRAWING THIS BILL UP FOR. SO AGAIN, I HOPE I HAVE THE REST OF THE COMMISSIONERS SUPPORT ON THIS, LEAVE US ALONE AND LET US TAKE CARE OF OUR OWN POLITICS IN BAY COUNTY.

COMM. KRYGIER: I'M SORRY THAT, THAT'S THE POSITION YOU'RE GOING TO TAKE BUT I THINK WE NEED TO SEND A MESSAGE TO LANSING THAT BAY COUNTY WILL DO WHAT BAY COUNTY WANTS TO DO, NOT WHAT LANSING IS TRYING TO DICTATE TO US. THAT BEING SAID.

RES. 2016-22: COMM. TILLEY MOVED TO ADOPT RES. 2016-22 REPORTS OF COUNTY EXECUTIVE. THE FOLLOWING REPORT IS RECEIVED: EMPLOYMENT STATUS REPORT - DECEMBER 2015. IT WAS

SUPPORTED BY COMM. LUTZ AND PASSED BY A VOICE VOTE OF: 7 YEAS, 0 NAYS.

RES. 2016-24: COMM. TILLEY MOVED TO ADOPT RES. 2016-24 AS A NUMBER OF COMMUNITY MEMBERS HAVE ASKED THE COUNTY TO ENACT A "COUNTY-WIDE" PANHANDLING ORDINANCE IN RESPONSE TO INDIVIDUALS PANHANDLING AT BUSY INTERSECTIONS NEAR BAY CITY, THE QUESTION HAS BEEN RAISED AS TO WHETHER SUCH A "COUNTY-WIDE" ORDINANCE IS FEASIBLE. THAT THIS BOARD SUGGESTS THAT OTHER BAY COUNTY MUNICIPALITIES CONSULT WITH THEIR OWN LEGAL COUNSEL ON THIS VERY COMPLEX AND SENSITIVE ISSUE. EACH MUNICIPALITY HAS THE ABILITY TO MAKE THEIR OWN DETERMINATION ON A LOCAL LEVEL WHETHER ENACTING A PANHANDLING ORDINANCE IS THE RIGHT SOLUTION FOR THEIR COMMUNITY. ABSENT A CONTRACT WITH THE COUNTY PROSECUTOR OR SHERIFF, IT WOULD ALSO BE INCUMBENT ON EACH MUNICIPALITY TO ENFORCE AND PROSECUTE ITS OWN LOCAL PANHANDLING ORDINANCE AS IS THE CASE WITH ALL OTHER LOCALLY ENACTED ORDINANCES. IT WAS SUPPORTED BY COMM. LUTZ AND PASSED BY A VOICE VOTE OF: 7 YEAS, 0 NAYS.

COMM. BEGICK: I'M GOING TO SUPPORT IT BUT THERE HAS BEEN SOME COMMENTS ONLINE THAT IF YOUR COUNTY PASSES THIS AND ITS TAKEN TO COURT THAT YOU END UP PAYING THE BILL ON IT SO I THINK TOWNSHIPS NEED TO LOOK AT IT CAREFULLY AND MAKE SURE THEY CRAFT A GOOD RESOLUTION IF THEY ARE GOING TO DO IT BECAUSE YOU ARE GOING TO END UP IN THE SUPREME COURT EVENTUALLY, I GUESS.

COMM. KRYGIER: THAT IS WHY IN THAT VERBIAGE WE ARE ENCOURAGING THEM TO GET WITH THEIR ATTORNEYS, TO MAKE SURE THAT IT IS HANDLED PROPERLY.

COMM. COONAN: IF SOMEONE BREAKS THE LAW THEY ARE PICKED UP AND BROUGHT TO JAIL. IT'S DONE BY THE SHERIFF AND JAIL WHICH IS OVERCROWDED. I DON'T KNOW WHY THIS HAS TO BE RUN THROUGH TODAY. WE SHOULD GO THROUGH COMMITTEE AND GIVE US A CHANCE TO LOOK AT IT. IF THEY DO BREAK THE LAW, THE SHERIFF IS PICKING THEM UP AND COME TO JAIL. THEN WHAT DO WE DO WITH THEM? THAT IS A COST TO US AS WELL SO, WE IDENTIFIED A PROBLEM BUT WE HAVE NOT IDENTIFIED A SOLUTION.

COMM. TILLEY: THIS JUST SIMPLY ENCOURAGES THE MUNICIPALITIES TO ADOPT SOME KIND OF ORDINANCE, WE STILL CAN LOOK AT SOLUTIONS. AT LEAST THIS IS A STEP IN MOVING THE ONES WHO ARE ABUSING THE CONCEPT OF PANHANDLING TO A LEVEL THAT IS SOMEWHAT OF A NUISANCE IN OUR COMMUNITY.

COMM. COONAN: WHY DO THEY NEED US TO ENCOURAGE THEM, IF THEY WANT TO DO IT. ULTIMATELY THE COST IS GOING TO COME BACK ON US. THIS SHOULD PROBABLY GO THROUGH A COMMITTEE THEN WE CAN DISCUSS IT. I DON'T THINK ITS SO DARN IMPORTANT THAT WE NEED TO BRING IT TO THE BOARD.

COMM. KRYGIER: COMMISSIONER KRYGIER ADDED, IT WAS GOOD TIMING WITH BANGOR TOWNSHIPS MEETING TONIGHT AND NOW THEY HAVE A CLEAR MESSAGE OF THE POSITION THE COUNTY IS TAKING. THERE WERE OTHER TOWNSHIPS THAT ARE HAVING THEIR FULL BOARD MEETING RUNNING CLOSES TO THIS MEETING, PLUS HAVING AMBER DO THE RESEARCH ON WHETHER OR NOT THE COUNTY BY LAW CAN ENACT ANY RESOLUTION THAT WOULD MAKE THE TOWNSHIPS RESPONSIBLE. WE HAVE HAD VERY GOOD DISCUSSION ON THE ISSUE, BEING THAT IT WAS BROUGHT UP BY A RESIDENT.

COMM. LUTZ: I WOULD LIKE TO GET THIS OUT TO ALL OF THE CITIES AND TOWNSHIPS WITHIN BAY COUNTY, THAT WAY THEY WILL KNOW WHERE OUR HANDS ARE TIED. IF THE VETERANS ADMINISTRATION WOULD LIKE TO COME AND MAKE ANY TYPE OF PRESENTATION, WHAT STEPS ARE BEING TAKEN, WHAT'S AVAILABLE THROUGH THE VETERANS ADMINISTRATION FOR PEOPLE, I THINK IT WOULD BE A GREAT UPDATE AND GET THAT OUT ON BAY 3 TV, I'M OPEN TO HAVE THEM COME TO THE NEXT MEETING.

COMM. COONAN: WE SEND THEM A MESSAGE, WE WANT YOU TO DO SOMETHING, THEY SAY OK WE'LL DO IT BUT WE ARE GOING TO PASS THE COST BACK ON TO YOU. THEY HAVE A PROBLEM AND WE PICK THEM UP AND WE BILL THEM FOR THAT, IF YOU WANT TO PUT THAT IN THE RESOLUTION, THEY WOULD NOT PASS IT. IF WE PICK THEM UP AND WE EAT THE COST OF PUTTING THEM IN JAIL AND USING OUR DEPUTIES TO DO THE ENFORCEMENT THEN WE PAY THE COSTS.

AMBER
DAVIS-JOHNSON: THE RESOLUTION PROPOSED SIMPLY SUGGESTS THAT THE BOARD AND OTHER BAY COUNTY MUNICIPALITIES CONSULT WITH THEIR OWN LEGAL COUNSEL AND DETERMINE WHETHER THEY WANT TO

HAVE ONE OR NOT, IT DOES NOT SUGGEST THAT THEY SHOULD PASS ONE OR NOT PASS ONE, IT DOES NOT ENCOURAGE THEM EITHER WAY. IT JUST ENCOURAGES THEM TO SEEK COUNSEL FROM THEIR LEGAL REPRESENTATIVES.

COMM. HEREK: ITS JUST A RESOLUTION THE TOWNSHIP PASSES THE ORDINANCES, I WILL BE TAKING THIS TO THE TOWNSHIPS I REPRESENT. IF THEY PASS THE ORDINANCES, THEY PAY TAXES AND IF WE HAVE TO FIND A SOLUTION TO TAKE CARE OF THEM THAT'S WHAT WE HAVE TO DO BECAUSE THAT IS WHY THEY PAY THEIR TAXES.

REPORTS OF COUNTY OFFICIALS/DEPARTMENTS

COUNTY EXECUTIVE THOMAS HICKNER, NOTHING

UNFINISHED BUSINESS

THERE WAS NO UNFINISHED BUSINESS.

NEW BUSINESS

THERE WAS NO NEW BUSINESS.

MISCELLANEOUS

THERE WERE NO MISCELLANEOUS ITEMS.

ANNOUNCEMENTS

CHAIRMAN KRYGIER NOTED THE UPCOMING 2016 APPOINTMENTS AS FOLLOWS:

1. MARCH:

A. BAY ARENAC BEHAVIORAL HEALTH AUTHORITY - THREE 3-YEAR TERMS EXPIRING: THOMAS L. STARKWEATHER; ROBERT PAWLAK; RICHARD BYRNE.

2. JUNE: LIBRARY BOARD - ONE 5-YEAR TERM, DONALD CARLYON.

3. OCTOBER:

A. LAND BAK AUTHORITY - ONE LOCAL UNIT OF GOVERNMENT REPRESENTATIVE, 3-YEAR TERM, RICHARD L. BYRNE.

B. DEPARTMENT OF HEALTH AND HUMAN SERVICES BOARD OF DIRECTORS - ONE 3-YEAR TERM, THOMAS L. STARKWEATHER.

4. DECEMBER: DIVISION ON AGING ADVISORY COMMITTEE - FOUR 2-YEAR TERMS, DISTRICTS 1, 4, & 6 AND AT -LARGE

CLOSED SESSION

MOTION 13: COMM. LUTZ MOVED TO GO INTO CLOSED SESSION PURSUANT TO MCL 15.268 (e): TO CONSULT WITH ITS ATTORNEY REGARDING TRIAL OR SETTLEMENT STRATEGY IN CONNECTION WITH SPECIFIC PENDING LITIGATION, BUT ONLY WHEN AN OPEN MEETING WOULD HAVE A DETRIMENTAL FINANCIAL EFFECT ON THE LITIGATING OR SETTLEMENT POSITION OF THE PUBLIC BODY. TO DISCUSS THE ISSUES OF CYNTHIA A. LUCZAK, BAY COUNTY CLERK VS. BAY COUNTY BOARD OF COMMISSIONERS, ET AL 2015-3583-AW.
IT WAS SUPPORTED BY COMM. COONAN AND ADOPTED BY A ROLL CALL VOTE OF: DURANCZYK, BEGICK, COONAN, TILLEY, LUTZ, KRYGIER, HEREK - 7 YEAS, 0 NAYS.

MOTION 14: COMM. TILLEY MOVED TO GO BACK TO REGULAR SESSION FOLLOWING CLOSED SESSION DISCUSSIONS REGARDING LEGAL OPINION. IT WAS SUPPORTED BY COMM. DURANCZYK AND PASSED BY A VOICE VOTE OF: 7 YEAS, 0 NAYS.

MOTION 15: COMM. COONAN MOVED TO PROCEED WITH THE RECOMMENDATION OF CONTRACTUAL, OUTSIDE COUNSEL ALEX BOMMARITO AND AUTHORIZING HIM TO PROCEED AS DISCUSSED IN THE CLOSED SESSION FOLLOWING COMMENTS MADE BY BAY COUNTY LEGAL COUNSEL AMBER DAVIS-JOHNSON. SUPPORTED BY COMM. DURANCZYK AND PASSED BY A VOICE VOTE OF: 7 YEAS, 0 NAYS.

RECESS/ADJOURNMENT

MOTION 16: COMM. DURANCZYK MOVED TO ADJOURN THE REGULAR BOARD SESSION OF JANUARY 12, 2016. IT WAS SUPPORTED BY COMM. TILLEY. THE MEETING CONCLUDED AT P.M. BY A VOICE VOTE OF: 7 YEAS, 0 NAYS.

ERNIE KRYGIER, CHAIRMAN
BOARD OF COMMISSIONERS

CYNTHIA A. LUCZAK, COUNTY CLERK
BOARD OF COMMISSIONERS

DIANE K. YAWORSKI
SECRETARY TO THE CLERK
BOARD OF COMMISSIONERS